

22 1959

New Grand Jury After Being Sworn in for Six-Month Term



MEMBERS OF THE NEW grand jury sworn in Monday are (from left, front row), Saul Singer, Edward M. Rowley, Huntington M. Dusauau, Anton C. Tranchina, Claude P. Molal-

son and Herbert A. Kenny, foreman; (back row) Roy Louis Brooks Sr., Henry W. Frantz Sr., Ivory Bickman, Parks B. Pedrick, Phillip J. Becker and Emile I. Damare Jr.

—Photo by The Times-Picayune.

REPORT DUE FRIDAY

Two Negroes On Jury Weighing Rape Charge

A grand jury of two Negroes and 16 white men was impaneled by Judge Eugene Carter Monday in Montgomery County Circuit Court and immediately retired to consider about 65 cases, including that of a Negro charged with the rape of a white woman. The report will be delayed because the Negro grand jurors among cause Judge Carter will be away the 18-man body, chosen by lot Wednesday to attend the Mobile convention of the Alabama Circuit grand jurors, were Booker T. Sykes, 3399 E. Tuskegee Circle, and James Turner, 809 N. Union Circle. Sykes is an employee of the Veterans Administration and Turner works as a waiter at a local restaurant.

Bolling P. Starke, local insurance executive, was appointed grand jury foreman by Circuit Judge Eugene Carter. After being charged by Judge Carter this morning, the panel withdrew to the grand jury room where they will consider evidence in approximately 65 criminal cases to be presented this week. Solicitor William F. Thetford said the jury's report is expected Friday.

Among the cases to be considered by the group is that of 23-year-old Drewey Aaron, a Negro truck driver who is charged with the June 27 rape of a young white housewife at her home east of Montgomery.

WAIVED HEARING

Aaron was arrested shortly after the attack took place and charged with the offense. He was bound over to the grand jury last Tuesday by Judge Alex A. Marksson, Lloyd A. Sweatt and Thomas W. Weaver. After his arrest, Aaron, father of three small children, made a statement admitting the attack, according to Sheriff Mac Sim Butler, and saying that he had planned it while driving a truck back and forth past the victim's suburban home.

Alabama law prohibits conviction on a capital case unless the defendant has been indicted first by a grand jury. Aaron could be indicted even if the two Negroes should not vote for indictment. Grand jury indictment requires only the positive votes of 12 of the jurors.

Should Aaron be indicted by this grand jury, he will be tried before a petit jury in the Circuit Court, probably during the first week of August. Rape in Alabama may be punishable by death in the electric chair. The grand jury will not report until Friday even though it will probably conclude its sessions by then. Circuit Solicitor William F. Thetford said.

FRIDAY REPORT

The panel will review the case of Aaron, who last Tuesday pleaded innocent and

waived preliminary hearing on the rape charge in Court of Common Pleas. Any 12 of the 18 grand jurors can return an indictment.

Insurance Exec Named Foreman By Judge Carter

Two Negroes today were selected to serve on the 18-member Montgomery County Grand Jury scheduled to consider the case of Drewey Aaron, 23-year-old Negro charged with raping a white housewife.

Chosen by lot from a venire of 50 prospective jurors were Booker T. Sykes, 3399 E. Tuskegee Circle, and James Turner, 809 N. Union Circle. Sykes is an employee of the Veterans Administration and Turner works as a waiter at a local restaurant.

Bolling P. Starke, local insurance executive, was appointed grand jury foreman by Circuit Judge Eugene Carter.

65 CASES

After being charged by Judge Carter this morning, the panel withdrew to the grand jury room where they will consider evidence in approximately 65 criminal cases to be presented this week.

Solicitor William F. Thetford said the jury's report is expected Friday.

Sometime during the week the panel will review the case of Aaron, who last Tuesday pleaded not guilty to the rape charge and waived preliminary hearing in Court of Common Pleas.

CAN'T PLEAD GUILTY

State law prevents defendants charged with capital offenses from entering guilty pleas.

After his arrest June 27 Aaron contained eight white men and admitted in a detailed confession to raping the white woman at her suburban home.

If the grand jurors return an indictment against Aaron, he will be tried before a petit jury in Circuit Court, probably during the first week in August. He could receive the death penalty.

GRAND JURY PROCEDURE

At least 13 grand jurors are required to be present when a case is under investigation. Votes from at least 12 are needed to return an indictment.

WHITES MORE LENIENT

Negro Jurors Sterner In Issuing Sentences

By ALLEN GUNN

The opinion was strengthened Tuesday night among courthouse observers here that Negroes tend to be sterner in the administration of justice to Negroes accused of crimes against other members of their race than do whites.

Sam Andrews, 71-year-old Hope Hull Negro parolee, was being tried for the murder of Charles Davis, another Negro. The jury contained eight white men and four Negroes.

Andrews' defense centered around the contention that Davis, who lived in the next apartment, tried to enter the apartment in which Andrews and his common-law wife, Sally Williams, were staying. Andrews said he warned Davis not to come in but the victim persisted. Andrews shot him as he stood in the doorway attempting to enter, he said.

There was little evidence to corroborate Andrews' claims, and the state's attorney, Asst. Solicitor

Maury D. Smith, did not ask the jury for the death penalty. The defense lawyer in the case but he did ask for a first degree murder conviction.

ONE FAVORED DEATH

The Advertiser learned Wednesday that as the jury began its deliberations, only one man—a Negro juror—favored sentencing Andrews to death in the electric chair.

According to one of the white jurors, who preferred to remain unidentified, all members of the jury felt that Andrews should be isolated from society for the remainder of his life. He had three previous homicide convictions—one for first degree manslaughter, one for second degree murder and one for first degree murder.

In the early stages of the deliberations, a majority of the jurors—including two of the four Negroes—favored a first degree murder conviction with a life sentence penalty, according to one juror. One of the other Negroes and "two or three" of the white jurors favored either a first de-

gree manslaughter or second degree murder conviction with sentences in the range from "10 or 15 to 30 years."

ELECTROCUTION ARGUMENT

The remaining juror—a Negro—held out for nearly two hours as he argued for electrocution. All of the other jurors agreed to a life sentence and first degree murder conviction after some deliberation.

The Negro who favored a death sentence argued that the whites did not understand the Negro problem. "We need to set an example," he said, to discourage Negroes from killing one another.

Several veteran lawyers who have had experience defending Negro defendants commented in connection with the case that they will always strike any Negro jurors on the panel if they are defending a Negro charged with an offense against a member of his own race.

Courthouse observers recall a case several years ago which was identical to this case in many respects—a Negro was charged with shooting another Negro and four Negroes were picked on the jury.

As the jury began deliberating, all four Negroes favored the death sentence and all eight white jurors favored a life sentence. This jury, however, returned the death sentence.

The defense lawyer in the case said it taught him a real lesson "the hard way."

Serve On Alabama

Call Kansas City, Mo.
Grand Jury

July 2-24-39
MONTGOMERY. — (ANP) — Booker T. Sykes and James

Turner, both Negroes, were selected last Monday to serve on the 18-member Montgomery county grand jury slated to consider the case of a Negro charged with raping a housewife.

The men were chosen by a lot from a venire of 50 prospective jurors. Sykes is an employe of the Veterans Administration and Turner is a waiter. Any 12 of the 18 grand jurors can return an indictment.

Pike Court Seats Negro Jurymen In Truck Theft

Montgomery
Troy, Ala. — Courtroom spectators shook their heads in disbelief yesterday when they saw Jernigan Sanders take a seat in the jury box. Sanders served on a Pike County Criminal Court jury and is believed to be the county's first Negro juror.

The jury heard the case of Clarence Graham, Negro convict accused of stealing a state truck, and returned its verdict without incident. In fact, the decision was one of the speediest ever noted. Jurors deliberated for no more than five minutes before returning a verdict of guilty. Graham, who was a convict at Camp Troy assigned to a road crew at the time he is alleged to have taken the vehicle, was sentenced to two years in prison by Circuit Judge Eris Paul.

Graham contended that he only took the truck to "get some water." When Circuit Solicitor Kenneth Fuller asked how long he was gone, Graham replied, "Three months," causing a roar of laughter from the courtroom. The Negro juror, who is a janitor at Troy State College, joined the laughter.

Circuit Clerk Robert Newman said that, to his knowledge, Sanders was the first Negro to ever serve on a Pike jury. While Judge Paul and Solicitor Fuller agreed that Negroes had served on Coffee County juries, both said they could not remember a Negro serving on a Pike jury before yesterday.

22 1959

FLORIDA

Here are the 14 members of that blue ribbon Fla. jury

(By STAFF CORRESPONDENT)

TALLAHASSEE, Fla.—Picking a jury for any case a
where is a task. In the South in a case like this, it's an art.

Florida came up with what might be considered a Blue
Ribbon Jury to represent the state in this important case.

All but one wore conservative type suits. He chose match-
ing jacket and slacks. All wore ties. Each was impressive in
answering questions.

Members of the all-white male jury are:

A. H. King, Plantation Owner

Nathaniel W. Ward Jr., Hotel Clerk

J. P. Rawl, Well Driller

Rufus Graddy, Service Station Operator

Howard L. McCendon, Tire Dealer

L. H. Singleton, House Builder

Aubrey C. Willis, Drug Store Clerk

James W. Griffith, Jr., Plumber

C. Underwood, Wholesale Grocer

C. A. Puckett, Salesman

Elwood Koch, Retired Army Man

Horace R. Brown, Salesman

The alternates were Robert C. Wendsor and Lonnie
Williams. A number of prospects were eliminated because they
did not believe in capital punishment.

p. 3

Appl. America

Baltimore, Md.

Jan 6-20-59

Only One Negro On Jury Panels For This Week

More Than 100 Persons
Called; 80 Were Chosen

By JOHN BRITTON

Of approximately 80 persons chosen for petit jury duty in the Criminal Division of Fulton County Superior Court Monday morning, one Negro man was the lone representative of the Atlanta Negro community.

More than 100 men and women were subpoenaed for jury duty Monday morning, but only the 80 persons were empaneled for service this week. The remainder of the persons called were either excused until further notice for valid reasons, or did not show up and failed to obey their subpoena.

Six full panels of jurors were selected for Superior Court criminal division juries this week, and an additional eight were selected to form part of a seventh panel. Of that group, only one Negro man was observed in the entire courtroom during the jury selection proceedings.

Only last week, the leaders of various committees and the Atlanta Negro Voters League joined together in an expression of a need for more Negroes to be called for jury duty.

Several persons observed that only a token number of Negroes are now being called for petit jury service and only "now and then" do Negroes serve on grand juries.

As a result of that meeting of community leaders, a three-person committee was named to confer immediately with the jury commissioners on the question of selecting more Negroes for jury duty.

GEORGIA

Webb States Function Of Courts In Georgia

By WILLIAM A. FOWLKES

Managing Editor, Atlanta Daily World

Fulton Solicitor General Paul Webb Wednesday suggested that a committee of citizens call on the County Jury Commission in an effort to get a higher proportion of Negroes on the jury list.

This suggestion came in answer to a question as to why so few Negroes are called for jury duty. (A committee of citizens was named last week to confer with officials on this jury question.)

Speaking to the Butler Street YMCA Hungry Club on "The Courts of Georgia," Mr. Webb admitted that there may be several reasons why Negro names are appearing less frequently on the grand and petit jury venire.

Despite the "frustrations" suffered and felt under the apparently long delay of court appeals, Mr. Webb said that American citizens could "thank the Lord" for our judicial system "which has come further than any other country in the administration of justice, both civil and criminal."

In this connection, the speaker said that respect for law and order is the only thing that guarantees to Americans the rights won by statutes in the forward march toward justice and perfection.

The main courts of Georgia, according to Solicitor Webb, are Justice of the Peace, Superior, Appeals and Supreme. The latter two are set up to correct errors in justice committed in the lower courts. Statutory courts include ones like the Criminal Court of Fulton County, the Civil Court of Fulton County and Court of Ordinary. There are statutory "city courts" in many areas of the state.

The solicitor general, who serves as special prosecutor in state corruption cases, revealed the great pressure he is under at this time.

A believer in the jury system of judicial justice, Mr. Webb indicated his opposition to continuation of the Georgia practice under which unsworn statements may be made by court defendants, which the state cannot cross-examine. Georgia is the only state in the Union and "probably the only government in the civilized world" which gives defendants this advantage in court, Mr. Webb pointed out.

22 1959

LOUISIANA

2 Selected To Serve On N.O. Grand Jury

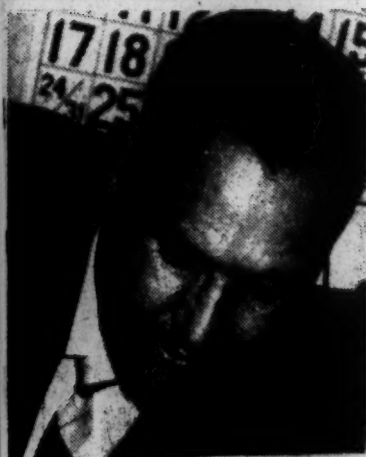
characterize the administration of law and the cause of justice.

Two prominent businessmen were selected this week to serve on the Orleans Parish Grand Jury. In early morning business, the court swore in Louis Charbonnet, Jr., 1016 N. Derbigny St., Director of the Emile Labat Funeral Home, along with Fred D. Greenup, 5301 Pauline Drive, District Manager of the Pyramid Life Insurance Company.

The charge to the jury was made by Judge William J. O'Hara in Criminal District Court



FRED D. GREENUP



LOUIS CHARBONNET

which said in part: "Membership upon a Grand Jury demands the highest integrity, impartiality and judgement. The court is confident that your official acts will reflect that dignity, care and poise which

IN MADISON COUNTY

First Negro On Grand Jury Since Reconstruction Days

CANTON, Miss. (UPI) — Court officials said today that Walter Brown is the first Negro to be empaneled on a Madison County grand jury since Reconstruction days.

Brown, 49, was placed Thursday on the grand jury that is to consider charges against four Negroes accused of brutally beating a white law officer.

Brown, who owns and operates a 150-acre farm 10 miles east of here, was empaneled by Circuit Judge Leon Hendricks of Jackson.

The farm is in the area where Constable E. B. Cauthen was beaten July 27 with poles and an iron by group of Negroes in a truck he had stopped. Cauthen was hospitalized for several weeks, suffered facial paralysis and is unable to speak.

Held in the case are John Edmonds Jr. and his two sons, Willie and Sterling, and Hal Joe Smith. Still sought are Amos Hawkins and Jim Edmonds.

First Negro juror sealed on panel

CANTON, Miss., Sept. 5 — The Madison County Grand Jury includes a Negro farmer possibly the first of his race since Reconstruction days to serve in this area, but only one more in Mississippi's effort to ward off possible charges of discrimination in the courts.

Walter Brown, a Sharon Negro, was included in the 18-man Grand Jury empaneled this week by Circuit Judge Leon Hendricks.

The practice of including Negroes on Grand Juries began in earnest when Robert Lee Goldsby, a St. Louis, Mo., Negro convicted of murdering a white woman in 1954, won a new trial on grounds no Negroes were on the Grand Jury that indicted him or on the petit jury that convicted him.

In some of Mississippi's larger cities, however, Negroes have served on Grand Juries for many years.

Solution Is Seen In Retrial Issue

Memphis, Tenn.
Gartin Explains How Negro Can Be Qualified To Serve On Jury

By KENNETH TOLER

From The Commercial Appeal
Jackson, Miss., Bureau

JACKSON, Miss., Oct. 14. — Lt. Gov. Carroll Gartin said Wednesday that Carroll County can comply with a United States Supreme Court order requiring Negroes to be on the qualified voter list from which a jury is selected for retrial of Negro Robert Lee Goldsby for the 1954 murder of a white woman.

At the time of the trial, no Negroes were qualified electors in the county and therefore none was eligible for service on the grand jury or trial jury.

Fourth Appeal Worked

Goldsby's fourth appeal from the Carroll County conviction and death sentence was successful Monday after he had previously lost three attempts to gain a new trial. He contended Negroes were systematically excluded from both the grand jury and trial jury.

However, the United States Fifth District Court of Appeals said Goldsby's attorneys had forfeited his right to object to the grand jury exclusion, but had left him open for appeal on the issue of the absence of Negroes from the trial jury list. The United States Supreme Court upheld the Fifth District Court position, which set aside the death sentence and ordered Goldsby retried within eight months.

Because of the time limit, it

was feared no Negroes could be qualified to be eligible for jury service.

Could Avoid Requirement

Mr. Gartin, serving in the absence of Gov. J. P. Coleman, said the county can comply with the requirement of the court by qualifying Negroes before the January term of court.

Mr. Gartin, an attorney, said county officials could qualify either a Negro who has just become of legal age, 21 years, or one over 65 years of age. Neither is required to have a poll tax, one of the prerequisites to voting.

Mr. Gartin said by qualifying either of these two age groups the requirement of a qualified elector to have paid poll taxes for the past two years, each in the year assessed, prior to seeking qualification could be avoided. He said the two years' tax could be eliminated in such age groups.

"I am certain that can be done and permit Goldsby's retrial for this crime," Mr. Gartin said.

Fired At From Auto

Goldsby was convicted of the murder of Mrs. Bryant F. Nelms in front of her husband's roadside filling station and dairy bar. She was shot down by one or more Negroes firing from an automobile after Mr. Nelms had ordered them to leave his premises.

Goldsby was indicted after a bullet removed from Mrs. Nelms body was found to match a pistol taken from him by the sheriff. The Negroes fled the scene and were later apprehended.

Goldsby and the other Negroes had driven from St. Louis to visit relatives in Madison County. He was said to have been born in Madison County.

Mississippi Negro Is On Grand Jury

appeal.
Madison Farmer On Panel

To Consider Beating
Memphis, Tenn.
CANTON, Miss., Sept. 24. —

(UPI) — A Negro was empaneled Thursday on a Madison County grand jury that is to consider charges against four Negroes accused of brutally beating a

white law officer.

Court officials said they believed it was the first time since Civil War Reconstruction that a Negro has served on a Madison County grand jury.

The Negro, Walter Brown, 49, was empaneled by Circuit Judge Leon Hendricks of Jackson. Brown owns and operates a 150-acre farm 10 miles east of here.

The farm is in the area where Constable E. B. Cauthen was beaten July 27 with poles and a tire iron by a group of Negroes in a truck he had stopped. Constable Cauthen was hospitalized in Jackson for several weeks and later transferred here. He suffered facial paralysis and is unable to speak.

Held in the case are John Edmonds Jr. and his two sons, Willie and Sterling, and Hal Joe Smith. Still sought are Amos Hawkins and Jim Edmonds.

Washington Jury Has Two Negroes

*Considered aged
Tues. 6-2-59
First To Serve On Panel In
County In 17 years*

*From the Commercial Appeal
Greenville, Miss. Bureau*

GREENVILLE, Miss., June 1. — The Washington County Grand Jury, which includes two Negroes, was empaneled Monday morning at the beginning of Circuit Court in Greenville. Circuit Clerk C. E. Cocke said no Negroes had served on a grand jury in at least 17 years.

Sworn in with 18 other jurors were John Eichelberger, Negro farmer from near Avon, and L. S. Franklin of Old Leland Road near Greenville.

P. S. Stovall was selected foreman and Lake Smith, bailiff. Other members of the Grand Jury are T. E. Coker, Tony Potera, Julius Nichols, J. W. Evans, George W. Sides Jr., Charlie Johnston, Robert Allen Hollins, Kline Noel, L. A. Nix, Noble Kearney, Dr. Peter C. Hogg, J. C. Hutchinson, M. P. Letchworth, Tom Tyler, Billy Diamond, James F. Ramsey and Edgar J. Chastain.

Judge Arthur B. Clark Jr. of Indianola recessed court till Tuesday morning when trial of civil cases will begin.

Also selected Monday were two petit juries.

Whites Outnumber Negroes In State's Youth Courts

*Angelo Miss.
JACKSON, Miss., Oct. 29—(UPI)*

— Cases in Mississippi's youth courts during 1958 involved twice as many white children as Negroes.

10-30-59
This was revealed Thursday in a report of youth court statistics by the Department of Public Welfare. Although the report said there were twice as many white children involved in youth court cases as Negroes, it did not give exact figures.

The report said there were 2,663 cases in youth courts during the year. Seventy-one per cent were delinquency cases and 29 per cent neglect cases. There were four times as many whites as Negroes involved in neglect cases.

The average age of children in delinquent cases was 15 years and five months. In neglect cases, the average age was seven years and four months.

Of the total delinquency cases, 758 concerned stealing, 158 habitual disobedience, 154 running away, 148 disturbing the peace, 139 malicious mischief, 87 assault and battery, 55 sex offenses, 50 trespassing and 42 traffic violations.

There were 264 children committed to state training schools. The group included 112 Negro boys, 109 white boys, 27 white girls and 16 Negro girls.

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White Children In Court More Than Negroes

*Angelo Miss.
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Negroes On Jury For First Time In Yazoo County History

Two Get 99 Years In Slaying Of White Cafe Owner

Yazoo City, Miss., May 18 — Yazoo City — Two Yazoo City Negroes charged in the murder of a 69-year-old white cafe operator were sentenced to 99 years in the state penitentiary Wednesday by Judge Leon Hendrick.

Only one of the Negroes was tried, Paul Guibby. The trial of Charles Cage was scheduled to come up next week.

Both had entered not guilty pleas in the murder of W. E. Moss who was stabbed to death in his cafe and robbed of several hundred dollars on the morning of Nov. 18, 1958.

Guibby went on trial Tuesday after most of the day was spent in selecting a jury. The case went to the jury Wednesday afternoon, and deliberations went on for about an hour and a half.

The jury indicated that it was deadlocked, and the judge dismissed them.

After a conference with attorneys, the court allowed both Guibby and Cage to change their pleas to guilty and they were sentenced to 99 years.

NEGROES TO SERVE ON YAZOO COUNTY MURDER TRIAL JURY

Yazoo City, Miss., May 4 — Three Negroes will serve on Yazoo County juries as the trial of two Negroes charged with the murder of a white man comes up in circuit court.

Circuit Judge M. M. McGowan of Jackson empaneled John Eakins as the first Negro on a grand jury in nine years, and T. J. Middleton Jr. and Sam Myers on petit trial juries.

Negro Jurymen To Be Available

Vaiken Retrial Of Goldsby To Be In Answer To High Court

Memphis, Tenn.
Special to The Commercial Appeal
VAIDEN, Miss., Nov. 9.—

Negroes will be available for jury service in Carroll County when the case of Negro Robert Lee Goldsby for the murder of a white woman is called for retrial Wednesday by Circuit Judge Henry Rodgers of Louisville.

Goldsby's previous conviction and death sentence were set aside by the United States Supreme Court because no Negroes were qualified for jury service in Carroll County.

Attorneys for the Negro raised that point as to the convicting jury, but, according to the Supreme Court, waived that challenge as to the grand jury which returned the indictment.

Since the court's decision earlier this year in the case—which has been in the courts five years—Negroes have been registered in Carroll County and are said to be available for jury service.

Poll Tax Problem

Because of the two years' residency and poll tax payment for two years, officials earlier had feared inability to meet the Supreme Court demand for availability of Negroes for jury service.

However, since persons becoming of voting age, 21 years, and those 65 years and older are exempt from the poll tax, it is in those age groups that Negroes were said to have been qualified for possible service on Goldsby's trial jury.

Gov.-Elect Ross Barnett, who aided in the prosecution of the Negro for the 1954 slaying of Mrs. Bryant Nelms in the front of her husband's roadside dairy bar stand, is scheduled to be present Wednesday afternoon.

Dist. Atty. John Aldridge of Winona said the court is expected to receive motions and likely set the trial for a later date.

More Motions Seen

Counsel for Goldsby will likely file additional motions which must be disposed of before trial date is set.

Resentment over legal technicalities and maneuvers in the Goldsby case was said to have figured in the Poplarville lynching of Negro Mack Parker who was abducted from the Pearl River County Jail three days before his scheduled trial on charges of assaulting a white woman.

Special precautions are being taken in the case. Goldsby will be returned here from the State Penitentiary where he has been confined in the death cell row several years.

Negro Woman On Federal Jury Here

A Negro woman from Florence was chosen to serve on two juries here yesterday in the January Term of Federal Court.

Mrs. Ruth Anderson of 614 North Commercial St. Florence, was part of jury comprising herself; a white woman, Mrs. Ruth W. Harper, 308 McColl St., Darlington; and 10 white men.

An order permitting women — regardless of race — to sit on federal juries in the Eastern District of South Carolina was filed with the clerk of the federal court here Jan. 14, 1958, according to official court records.

A court spokesman last night said that this was not the first time a Negro woman has been seated on a federal jury since the order was filed, however.

The jury yesterday which heard two cases — one before and one after lunch — was drawn at 10 a.m.

Defense attorneys excused Hugh F. Robinson of St. Matthews and John G. McLeod of R.F.D. 1, Timmonsville, and Mrs. Irene B. Welch of Bishopville, as their names were drawn.

The 10 men on the jury were Forney F. Lawing of Hartsville; Wilson A. McElveen Jr. of Sumter; Loring T. Miley of Brunson; Allen H. Behling of St. George; Byron B. Harder of Sumter; Jay Fredland of Florence; James L. Aull of Columbia; Wade J. Busch of Aiken; Francis M. Craddock of Fairfax and David H. Durant of Cherokee Road, Florence.

22 1959

TEXAS

Three Negroes On Grand Jury

HOUSTON — C. F. Smith, electrician; the Rev. M. L. Price and C. C. Moses, insurance man, all Negroes, were among the grand jurors sworn by Criminal District Judge Milton A. Love Monday.

Frank Reed, an insurance man, was named foreman.

Other jurors are:

Mrs. Bert Wheeler, Mrs. Joseph F. Reilly, Mrs. Mary Beach, A. M. Cohen, Don Wilkers, C. R. Dukes and Garland Butler.

The new grand jury term expires April 30.

Negro Juror Excused In Segregation Protest

Evening Star
Wash. B.C.
A Negro was dismissed from the Fairfax County grand jury at his own request yesterday after he was stopped from eating his lunch in the white section of the courthouse cafeteria. *See 9-15-59.*

The juror, Leslie R. Coates, 62, Route 1, Herndon, a dairy farmer and Army reserve captain, told Circuit Court Judge Paul E. Brown that he wanted to be discharged because he would not get anything to eat. Judge Brown granted the request without comment.

Mr. Coates was one of six jurors who were sworn in yesterday morning to hear 22 criminal cases proposed for indictment by the Commonwealth's attorney. *P. B-3*
He was the only Negro.

The cafeteria, which is in the courthouse basement, has a small adjoining dining room reserved for Negroes.

Frank M. Rathwick, who operates the cafeteria concession, said he stopped Mr. Coates from sitting down in the white section. He said he pointed out that State law required Mr. Coates, who has served on previous grand juries, to sit in the Negro section.

When Mr. Coates protested, Mr. Rathwick related, he called a policeman lunching nearby who told Mr. Coates to remain standing while he consulted his superiors. Mr. Coates remained standing beside his tray for 30 minutes, Mr. Rathwick said, until the officer returned and ordered Mr. Coates to obtain a refund and leave.

The cafeteria manager said there have been similar incidents during the 5½ years he has operated the concession, but this was the first time he had to call police.

Mr. Rathwick said the Negro section, which is rarely used, has room for 30 persons, but that 15 was the highest number ever to use it at one time.

He said white welfare workers sometimes used the Negro section when they bring col-

ored children to the cafeteria between sessions of the Juvenile Court. He said the welfare people had special permission because they had to take care of the children.

Specified by Law

The State law requires segregated seating at any public assembly, including restaurants. Anyone who fails to take the space assigned him in such circumstances is guilty of a misdemeanor and subject to a maximum to a \$25 fine and ejection, the law states.

The Commonwealth Attorney's Office indicated it believed Mr. Coates did not break the law because he did not sit down in the white dining section.

Two Negroes ate in the small



LESLIE R. COATES

segregated section while the incident took place. It contained three tables and 12 chairs. Cafeteria supplies were stacked in one corner.

Mr. Coates said later that Mr. Rathwick had pointed to the room and told him "you have to go back in there and eat." Mr. Coates said, "I didn't feel like being humiliated. . . . The room he pointed to looked like a hole in the wall.

"The eating facilities were inadequate. They should be equal and suitable. I didn't go

in the smaller dining room, but I could see it was not an equal facility. I do not plan to make a court test out of it."

Operates School Bus

Mr. Coates has operated the school bus for the Negro Oak Grove Elementary School for the last 12 years. He operates an 85-acre farm which has 33 dairy cows and 21 heifers.

Mr. Coates has put in 30 years with the Army reserve. He was on active duty for four years during World War II, including 18 months in Europe. He participated in the Normandy campaign and has five campaign stars.

Mr. Coates was born on a Herndon farm which had been operated by his parents. He was graduated from Dunbar High School in the District and attended Howard University.

His wife, Lutey L., is a retired school teacher. Her 30 years of teaching ended with eighth grade instruction at the Luther Jackson High School.

The Coates have two sons, 2d Lt. Lellie R. jr., 22, who is with a special service company in Korea and is an agriculture graduate of Virginia State College in Petersburg, and Leo F., 19, a senior in auto mechanics at the State college.

Mr. Coates is a trustee, deacon and treasurer in the Chantilly Baptist Church. He is active in the Fairfax County Citizens Association.